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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,879	09/05/2003	Hideyasu Hayashi	ALPSP131	7184
22434	7590	05/27/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			EASTHOM, KARL D	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2832	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/655,879

Applicant(s)

HAYASHI ET AL.

Examiner

Karl D. Easthom

Art Unit

2832

*(Handwritten mark)*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/5/3</u> . | 6) <input type="checkbox"/> Other: ____  |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al. Schmidt discloses the claimed invention at Fig. 7 with housing 40, slider and conductive pattern 80, terminals 42, operating member 60, bottom plate member 34, and protrusions 46, 47, and 48, and circuit board 50. . For claim 2, the housing 40 has an aperture that the plate member 34 closes. For claim 3, 46 or 63 are protrusions at the center, while 47, 48 are in the plurality.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Budd et al. '027. Budd discloses the claimed invention at Fig. 1 with housing 5 terminals 12-14, , operating member 9, slider and conductive pattern implicitly part of the conventional variable resistor with three terminals, bottom plate member 7, and protrusions 22 and circuit board 23. Or Budd at Fig. 5 discloses the claimed invention, with protrusions 42, housing 39, base member 35, and the circuit board the panel as noted at col. 4, lines 15-31. For claim 2, the housing 39 or 5 has an aperture that the plate member closes. For claim 3, 34 at Fig. 5 is deemed a positioning protrusion.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Budd et al. '026. Budd discloses the claimed invention at Fig. 1 with housing 5, terminals 22, plate member 6, operating member 9, slider and conductive pattern 11, 7, and protrusion 20, and circuit board 29.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


6. Claim 4-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budd et al. '026, or Schmidt et al., in view of Budd et al. '027. The claimed invention is discloses except more than one variable resistor of different types on a circuit board. Budd '026 and Budd '027 each discloses different types for mounting so that it would have been obvious to employ both types where each reference discloses mounting devices in plural, see col. 1, lines 1-35 of each reference, where "components" are disclosed in the plural as mounted to wiring boards. Schmidt et al. discloses at col. 1 various circuit elements. For claims 5-6, the protrusions are as noted above, where the center protrusion is in the Budd '027 device at Fig. 5 as noted above. For claim 7, the colors are not disclosed, but since the devices of each reference are different, it would have been obvious not to match colors exactly since the different parts would be manufactured differently, and it would be hard to ensure that each part has the same exact color.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karl D Easthom  
Primary Examiner  
Art Unit 2832

KDE